

1 HOUSE BILL 343

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Georgene Louis

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9  
10 AN ACT

11 RELATING TO THE FORT SILL APACHE TRIBE; ADDING A REPRESENTATIVE  
12 OF THE FORT SILL APACHE TRIBE TO THE NATIVE AMERICAN SUICIDE  
13 PREVENTION ADVISORY COUNCIL; ADDING A REPRESENTATIVE OF THE  
14 FORT SILL APACHE TRIBE TO THE INDIAN EDUCATION ADVISORY  
15 COUNCIL; ALLOWING THE STATE TO ENTER INTO COOPERATIVE  
16 AGREEMENTS WITH THE FORT SILL APACHE TRIBE.

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 9-7-11.5 NMSA 1978 (being Laws 2013,  
20 Chapter 7, Section 1) is amended to read:

21 "9-7-11.5. NATIVE AMERICAN SUICIDE PREVENTION ADVISORY  
22 COUNCIL--CREATED--TERMS--QUORUM--MEETINGS.--

23 A. There is created a "Native American suicide  
24 prevention advisory council". The council shall consist of  
25 [~~eleven~~] twelve voting members and shall assist in developing

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1 policies, rules and priorities for the New Mexico clearinghouse  
2 for Native American suicide prevention.

3 B. The members of the Native American suicide  
4 prevention advisory council shall be appointed as follows:

5 (1) one member representing the eight northern  
6 Indian pueblos appointed by the chair of the eight northern  
7 Indian pueblos council, incorporated;

8 (2) one member representing both the Pueblo of  
9 Laguna and the Pueblo of Zuni appointed by the chair of the all  
10 Indian pueblo council;

11 (3) one member representing the all Indian  
12 pueblo council appointed by the chair of the all Indian pueblo  
13 council;

14 (4) one member representing the southern  
15 pueblos appointed by the chair of the ten southern Indian  
16 pueblos council;

17 (5) one member representing the eastern Navajo  
18 Nation appointed by the president of the Navajo Nation;

19 (6) one member representing the western Navajo  
20 Nation appointed by the president of the Navajo Nation;

21 (7) one member representing the Mescalero  
22 Apache Tribe appointed by the president of the Mescalero Apache  
23 Tribe;

24 (8) one member representing the Jicarilla  
25 Apache Nation appointed by the president of the Jicarilla

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1 Apache Nation;

2 (9) one member representing the Fort Sill  
3 Apache Tribe appointed by the chair of the Fort Sill Apache  
4 Tribe;

5 [~~(9)~~] (10) one member representing the urban  
6 Native American population appointed by the president of the  
7 national Indian youth council, incorporated; and

8 [~~(10)~~] (11) two members appointed by the  
9 chancellor for health sciences of the university of New Mexico,  
10 one member being a member of a federally recognized Indian  
11 nation, tribe or pueblo.

12 C. The council shall elect from among its members a  
13 chair, vice chair, secretary and treasurer.

14 D. The members of the Native American suicide  
15 prevention advisory council shall be appointed for overlapping  
16 terms of six years each. No more than [~~six~~] seven of the  
17 members shall belong to the same political party. The members  
18 first appointed to the council shall determine by lot from  
19 among their group four members to serve two-year terms, four  
20 members to serve four-year terms and three members to serve  
21 six-year terms. If a position on the council becomes vacant  
22 for any reason, the successor shall be selected by the original  
23 appointing authority in the same manner as the original  
24 appointment was made and shall serve for the remainder of the  
25 term vacated.

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1           E. A majority of council members shall constitute a  
2 quorum to take action as the council. No act of the council is  
3 valid unless concurred to by a majority of its members present  
4 at a meeting at which a quorum exists.

5           F. The Native American suicide prevention advisory  
6 council shall meet at the call of the chair or at a time  
7 requested in a written request to the chair by four members,  
8 but not less than twice each calendar year."

9           **SECTION 2.** A new section of the Taxation and Revenue  
10 Department Act, Section 9-11-12.3 NMSA 1978, is enacted to  
11 read:

12           "9-11-12.3. [NEW MATERIAL] COOPERATIVE AGREEMENTS WITH  
13 FORT SILL APACHE TRIBE.--

14           A. The secretary may enter into cooperative  
15 agreements with the Fort Sill Apache Tribe for the exchange of  
16 information and the reciprocal, joint or common enforcement,  
17 administration, collection, remittance and audit of tax  
18 revenues of the party jurisdictions.

19           B. Money collected by the department on behalf of  
20 the Fort Sill Apache Tribe in accordance with an agreement  
21 entered into pursuant to this section is not money of this  
22 state and shall be collected and disbursed in accordance with  
23 the terms of the agreement, notwithstanding any other provision  
24 of law.

25           C. The secretary is empowered to promulgate such

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1 rules and to establish such procedures as the secretary deems  
2 appropriate for the collection and disbursement of funds due  
3 the Fort Sill Apache Tribe and for the receipt of money  
4 collected by the Fort Sill Apache Tribe for the account of this  
5 state under the terms of a cooperative agreement entered into  
6 under the authority of this section, including procedures for  
7 identification of taxpayers or transactions that are subject  
8 only to the taxing authority of the Fort Sill Apache Tribe,  
9 taxpayers or transactions that are subject only to the taxing  
10 authority of this state and taxpayers or transactions that are  
11 subject to the taxing authority of both party jurisdictions.

12 D. Nothing in an agreement entered into pursuant to  
13 this section shall be construed as authorizing this state or  
14 the Fort Sill Apache Tribe to tax persons or transactions that  
15 federal law prohibits that government from taxing, or as  
16 authorizing a state or tribal court to assert jurisdiction over  
17 persons who are not otherwise subject to that court's  
18 jurisdiction or as affecting any issue of the respective civil  
19 or criminal jurisdictions of this state or the Fort Sill Apache  
20 Tribe. Nothing in an agreement entered into pursuant to this  
21 section shall be construed as an assertion or an admission by  
22 either this state or the Fort Sill Apache Tribe that the taxes  
23 of one have precedence over the taxes of the other when the  
24 person or transaction is subject to the taxing authority of  
25 both governments. An agreement entered into pursuant to this

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1 section shall be construed solely as an agreement between the  
2 two party governments and shall not alter or affect the  
3 government-to-government relations between this state and any  
4 other Indian nation, tribe or pueblo."

5 SECTION 3. Section 22-23A-6 NMSA 1978 (being Laws 2003,  
6 Chapter 151, Section 6, as amended by Laws 2007, Chapter 295,  
7 Section 5 and by Laws 2007, Chapter 296, Section 5) is amended  
8 to read:

9 "22-23A-6. ADVISORY COUNCIL.--

10 A. The "Indian education advisory council" is  
11 created and shall advise the secretary and assistant secretary  
12 on implementation of the provisions of the Indian Education  
13 Act. The council consists of [~~sixteen~~] seventeen members as  
14 follows:

15 (1) four representatives from the Navajo  
16 Nation;

17 (2) [~~two~~] three representatives, one from the  
18 Fort Sill Apache Tribe, one from the Mescalero Apache Tribe and  
19 one from the Jicarilla Apache Nation;

20 (3) four representatives, two from the  
21 southern pueblos and two from the northern pueblos;

22 (4) three urban Indians representing urban  
23 areas, including Albuquerque, Gallup and Farmington; and

24 (5) three at-large representatives, one from  
25 the federal bureau of Indian affairs, one from a head start

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1 organization and one from the general public, at least one of  
2 whom shall be nontribal, but all of whom shall have knowledge  
3 of and involvement in the education of tribal students.

4 B. Members shall be appointed by the secretary with  
5 input from New Mexico tribes and organizations involved in the  
6 education of tribal students for staggered terms. ~~[so that the~~  
7 ~~terms of the at-large members and of one-half of each of the~~  
8 ~~tribal representatives end on December 31, 2009 and the terms~~  
9 ~~of the remaining members end on December 31, 2011. Thereafter]~~  
10 Appointments shall be for terms of four years. ~~[The terms of~~  
11 ~~existing members shall expire on the effective date of this~~  
12 ~~2007 act.]~~

13 C. A majority of the members of the Indian  
14 education advisory council constitutes a quorum. The advisory  
15 council shall elect a chair from its membership.

16 D. On a semiannual basis, representatives from all  
17 New Mexico tribes, members of the commission, the office of the  
18 governor, the Indian affairs department, the legislature, the  
19 secretary, the assistant secretary and the Indian education  
20 advisory council shall meet to assist in evaluating,  
21 consolidating and coordinating all activities relating to the  
22 education of tribal students.

23 E. Members of the Indian education advisory council  
24 may receive per diem and mileage as provided for nonsalaried  
25 public officers in the Per Diem and Mileage Act."

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SECTION 4. TEMPORARY PROVISION.--The members first appointed to the Native American suicide prevention advisory council and to the Indian education advisory council to represent the Fort Sill Apache Tribe shall be appointed no later than January 1, 2018 and shall serve a four-year term.

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.